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PAGE 01 GENEVA 04679 01 OF 02 201153Z  
ACTION IO-16

RELEASED IN FULL

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	C-01
	OASY-00	DODE-00	EAP-01	EB-01	EUR-01	HA-09	H-01
	TEDE-00	INR-00	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00
	OIC-02	PA-01	PRS-01	P-01	SP-00	SR-00	SS-00
	STR-01	TRSE-00	USIE-00	SA-01	RPE-01	/044W	

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O 201156Z MAY 94

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 9513

USMISSION USUN NEW YORK

INFO HUMAN RIGHTS COMMISSION COLLECTIVE

AMEMBASSY ADDIS ABABA

AMEMBASSY BUJUMBURA

AMEMBASSY CAIRO

AMEMBASSY DAR ES SALAAM

AMEMBASSY KAMPALA

AMEMBASSY KINSHASA

LIMITED OFFICIAL USE SECTION 01 OF 02 GENEVA 04679

USUN PLEASE PASS TO AMBASSADOR-DESIGNATE FERRARO

E.O. 12356: N/A

TAGS: PHUM, UNHRC-1

SUBJECT: UN HUMAN RIGHTS COMMISSION SPECIAL SESSION:

- ELEMENTS FOR RESOLUTION FALLING INTO PLACE  
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PAGE 02 GENEVA 04679 01 OF 02 201153Z

REF: A) GENEVA 4646, B) WAGENSEIL/ROSENBLATT TELCON 5/19

1. SUMMARY: A MAY 19 MEETING OF OVER SIXTY DELEGATIONS DEMONSTRATED A REASONABLY BROAD CONSENSUS IN FAVOR OF THE ELEMENTS PRODUCED BY CANADA, CAMEROON AND NIGERIA FOR THE UNHRC SPECIAL SESSION ON RWANDA. THE MAIN ISSUE OF CONTROVERSY WAS THE EXTENT TO WHICH THE HUMAN RIGHTS COMMISSION CAN OR SHOULD REFER TO THE SECURITY COUNCIL. THERE WAS ALMOST NO DISCUSSION OF WHETHER TO INCLUDE REFERENCES TO GENOCIDE IN THE RESOLUTION. THE CANADIANS

ARE NOW PREPARING THE FIRST DRAFT OF A RESOLUTION, WHICH WILL BE DISTRIBUTED BY THE TIME THE COMMISSION OPENS; WE HOPE TO RECEIVE AN ADVANCE DRAFT TODAY (MAY 20). AFRICAN AMBASSDORS ARE ALSO MEETING TODAY TO FINALIZE THEIR POSITIONS ON KEY ISSUES. END SUMMARY

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2. CAMEROON, CANADA AND NIGERIA CHAIRED A MEETING AT GENEVA'S PALAIS DES NATIONS THE AFTERNOON OF MAY 19 TO DISCUSS THEIR DRAFT ELEMENTS (TEXT IN REFTEL) FOR A RESOLUTION ON RWANDA TO EMERGE FROM NEXT WEEK'S SPECIAL SESSION OF THE HUMAN RIGHTS COMMISSION. OVER EIGHTY DIPLOMATS ATTENDED, REPRESENTING OVER FIFTY COUNTRIES FROM ALL REGIONAL GROUPS.

3. DESPITE A FEW POINTS OF DIFFERENCE, MOST DELEGATIONS EXPRESSED GENERAL SUPPORT FOR THE DRAFT ELEMENTS. THE CAMEROONIAN CO-CHAIRMAN OF THE MEETING DESCRIBED THE ELEMENTS AS HAVING THE SUPPORT OF THE AFRICAN GROUP, INCLUDING BY IMPLICATION THE RWANDAN MISSION HERE. SEVERAL SUBSEQUENT SPEAKERS HIGHLIGHTED THE IMPORTANCE OF LIMITED OFFICIAL USE

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PAGE 03 GENEVA 04679 01 OF 02 201153Z  
SUPPORTING THE AFRICAN POSITION. REPRESENTATIVES FROM ALGERIA AND EGYPT CHALLENGED THE CHARACTERIZATION OF THE DRAFT AS HAVING BEEN APPROVED BY THE AFRICA GROUP, DRAWING A SOMEWHAT HEATED RETORT FROM THE NIGERIAN THAT ONLY ALGERIA, EGYPT AND SUDAN HAD ANY RESERVATIONS ABOUT THE DOCUMENT, AND THAT THE AFRICAN AMBASSADORS HAD ENDORSED SHARING THE LIST OF ELEMENTS WITH OTHER GROUPS.

4. IN REGARD TO THE SUBSTANCE OF THE ELEMENTS, THE FOLLOWING POINTS OF INTEREST EMERGED FROM THE MEETING:

-- REFERENCES TO THE SECURITY COUNCIL: THIS WAS THE MOST CONTROVERSIAL ISSUE AMONG THE DRAFT ELEMENTS. REPRESENTATIVES OF SYRIA, CHINA, CUBA, SRI LANKA AND INDIA EXPRESSED RESERVATIONS ABOUT INCLUDING ANY REFERENCES TO THE SECURITY COUNCIL; THEY ARGUED ALSO THAT THE MANDATES OF THE UNHRC AND THE UNSC SHOULD BE KEPT STRICTLY SEPARATE. NEW ZEALAND, BULGARIA AND BRAZIL COUNTERED THAT THE SECURITY COUNCIL COULD NOT BE IGNORED AND SHOULD BE MENTIONED, ALTHOUGH THE COMMISSION SHOULD BE CAREFUL NOT TO APPEAR TO BE CHALLENGING ITS DECISIONS OR ALTERING ITS WORDING. CAMEROON AND THE U.S. POINTED OUT THAT THERE WAS A PRECEDENT DURING THE SPECIAL SESION ON YUGOSLAVIA FOR ASKING THE SYG TO MAKE THE REPORT OF THE SPECIAL

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RAPPORTEUR AVAILABLE TO THE SECURITY COUNCIL. IRAN  
SUGGESTED THAT THE COMMISSION SHOULD BE CRITICAL OF THE  
SECURITY COUNCIL EXACERBATING THE SITUATION IN RWANDA BY  
WITHDRAWING UN FORCES AS THE CRISIS ESCALATED; THERE WAS  
NO SUPPORT FOR THIS IRANIAN SUGGESTION.

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-- GENOCIDE: THERE WAS SURPRISINGLY LITTLE  
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PAGE 04 GENEVA 04679 01 OF 02 201153Z  
DISCUSSION OF THIS ISSUE. IT WAS RAISED BY THE  
NETHERLANDS, WHICH SUGGESTED THAT A SPECIAL RAPPORTEUR  
SHOULD BE ASKED LOOK INTO WHETHER GENOCIDE HAS OCCURRED.  
(WE UNDERSTAND THE AFRICAN GROUP HAS NOT YET COME TO A  
DECISION ON WHETHER TO CALL THE EVENTS IN RWANDA GENOCIDE;  
OTHER DELEGATIONS ARE WAITING FOR THE AFRICANS TO TAKE THE  
LEAD.)

-- INTERNATIONAL HUMANITARIAN LAW: SEVERAL  
DELEGATIONS ASKED THAT THE RESOLUTION INCLUDE MORE  
SPECIFIC REFERENCES TO INTERNATIONAL HUMANITARIAN LAW AND  
THE GENEVA CONVENTIONS.

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PAGE 02 GENEVA 04679 02 OF 02 201153Z

-- ACCOUNTABILITY: MANY DELEGATIONS underscored the importance of including strong language holding the perpetrators of crimes responsible for their actions.

-- HIGH COMMISSIONER FOR HUMAN RIGHTS: THERE WAS BROAD SUPPORT (INCLUDING FROM THE U.S.) FOR A SEPARATE PARAGRAPH SUPPORTIVE OF THE HCRC AND HIS EFFORTS.

-- SPECIAL RAPPORTEUR: A NUMBER OF DELEGATIONS (FRANCE, POLAND, SRI LANKA, IRELAND, U.S.) SUPPORTED THE APPOINTMENT OF A SPECIAL RAPPORTEUR RATHER THAN AN AD HOC GROUP TO LOOK INTO THE SITUATION IN RWANDA. ONLY IRAN SPOKE AGAINST THE APPOINTMENT OF A SPECIAL RAPPORTEUR.

-- HUMAN RIGHTS MONITORS: SEVERAL DELEGATIONS (INCLUDING THE U.S.) SPOKE IN FAVOR OF A MONITORING OPERATION; ONLY SRI LANKA SPOKE AGAINST. INDIA CAUTIONED THAT ANY MONITORS SHOULD BE LIMITED TO WATCHING EVENTS IN RWANDA ITSELF AND SHOULD NOT CONSIDER DEVELOPMENTS IN

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5. CAMEROON, CANADA, AND NIGERIA ARE MEETING MAY 20 TO DEVELOP THEIR ELEMENTS INTO A DRAFT RESOLUTION, TAKING INTO ACCOUNTS THE COMMENTS RECEIVED AT THE MAY 19 GATHERING. THEY PLAN TO DISTRIBUTE THE DRAFT EITHER OVER THE WEEKEND OR AT THE OPENING OF THE SPECIAL SESSION ON TUESDAY MORNING. THEY WOULD THEN PLAN TO CONVENE ONE MORE SESSION OF THE INFORMAL OPEN-ENDED GROUP -- TO MEET CONCURRENTLY WITH THE PLENARY OF THE SPECIAL SESSION --

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PAGE 03            GENEVA 04679 02 OF 02 201153Z  
BEFORE PUTTING THE RESOLUTION INTO FINAL FORM AND SEEKING CO-SPONSORS.

6. COMMENT: SUBSTANTIVE PREPARATIONS FOR THE SPECIAL SESSION ARE STILL ON THE RIGHT TRACK. THE OPEN-ENDED MEETING SHOWED CONSIDERABLE CONSENSUS EMERGING AROUND THE CANADIAN, CAMEROONIAN, AND NIGERIAN ELEMENTS. THOSE IN OPPOSITION TO SOME ELEMENTS WERE CLEARLY IN THE MINORITY. PROVIDED THE KEY AFRICANS HOLD FIRM, WE SHOULD BE WELL PLACED FOR ADOPTION OF A RESOLUTION INCLUDING OUR KEY ELEMENTS BY THE TIME THE SPECIAL SESSION OPENS ON MAY 24. THE REPORT OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (SEPTEL) REINFORCES THIS POSITIVE TREND. SPIEGEL

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